

file for public inspection at a stated address in the community in which the station is located or is proposed to be located.

[56 FR 57821, Nov. 14, 1991, as amended at 60 FR 20247, Apr. 25, 1995]

§ 74.992 Access to channels licensed to wireless cable entities.

(a) An educational institution or entity that would be eligible for ITFS channels that are licensed to a wireless cable entity may be entitled to access to those channels. Requests for access may be made by application to the Commission on FCC Form 330 with a copy simultaneously served on the wireless cable licensee. An applicant for access must fill out sections I, II, III and IV of the ITFS application Form 330. Section I, question 1 should be answered by spelling out, "For access to existing facilities." Section I, question 2b should include the name of the wireless cable licensee or applicant. A cover letter must clearly indicate that the application is for ITFS access to a wireless cable entity's facilities on ITFS channels.

(b) An ITFS entity determined by the Commission to have right of access to wireless cable licensed facilities may have access to a maximum of 40 hours per channel per week. The ITFS entity has the right to designate 20 of those hours as follows:

(1) 3 hours of the ITFS entity's choice each day, Monday through Friday, between 8 a.m. and 10 p.m., excluding weekends, holidays and school vacations; and

(2) The remaining five hours any time of the ITFS entity's choice between 8 a.m. and 10 p.m., Monday through Saturday.

(c) No time-of-day and day-of-week obligations will be imposed on either party with respect to the other 20 hours of access time.

(d) The ITFS user must provide the wireless cable licensee with its planned scheduled of use four months in advance. No minimum amount of programming will be required of an ITFS operator seeking access to one channel; for access to a second channel, the ITFS user must use at least 20 hours per week on the first channel from 8 a.m. to 10 p.m., Monday through Satur-

day; for access to a third channel, the ITFS entity must use at least 20 hours per week on the first channel and on the second channel during the hours prescribed above, and so on. Only one educational institution or entity per wireless cable licensed channel will be entitled to access from the wireless cable entity. Access will not be granted to a single entity for more than four channels, unless it can satisfy the waiver provisions of § 74.902(d) of this part.

(e) When an ITFS entity is granted access to an ITFS channel of a wireless cable licensee, the wireless cable licensee will be required to pay half of the cost of five standard receive sites on that channel. The wireless cable entity may, at its option, pay the costs of an application and facility construction for such ITFS entity on other available ITFS channels, including half of the cost of five receive sites per channel.

(f) An instructional television fixed service entity granted access to instructional television fixed service channels licensed to a wireless cable entity will have the interference protection afforded ITFS licensees (see § 74.903 of this part).

(g) After three years of operation, a wireless cable entity licensed to use ITFS channels will not be required to grant new or additional access to such ITFS channels, or provide any alternative facilities to any ITFS entity seeking access to its facilities, if there are suitable ITFS frequencies available for the ITFS entity to build its own system.

(h) The parties may mutually agree to modify any requirements or obligations imposed by these provisions, except for the requirement that an educational entity use at least 20 hours per week on a channel of a wireless cable licensee before requesting access to an additional channel.

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§ 74.996 Applicability of cable EEO requirements to ITFS facilities.

Notwithstanding other EEO provisions within §§ 1.815 and 21.307 of this chapter, an entity that uses an owned